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**BY ECF**

February 7, 2018

Hon. George B. Daniels  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Tantaros v. Fox News Network, LLC, et al., Case No. 17-cv-02958 (GBD)***

Dear Judge Daniels:

I represent Defendant William Shine in the above-referenced case. I write regarding the request by Plaintiff Andrea Tantaros to file *pro se* her proposed amended complaint. I also write to respectfully request an adjournment of the March 1, 2018 date for the next conference.

At the November 30, 2017 conference, the Court noted that it would accept a letter application to amend the Complaint as well as letters from Defendants in response. Accordingly, we write to advise the Court that Ms. Tantaros' proposed amended complaint fails, as did her original complaint, to state a claim against Mr. Shine. Her request should therefore be denied as futile.

We agree with the letters to the Court filed by Dechert on behalf of Fox News and Irena Briganti (ECF Doc. 130) and by Gibson Dunn on behalf of the Snyder defendants (ECF Doc. 129). In particular, we note that Ms. Tantaros' proposed amended pleading, like her original complaint, does not contain factual allegations regarding Mr. Shine which would allow the Court to draw a reasonable inference that he is liable for any of her wild claims that he violated the federal statutes she cites or committed the tort of intentional infliction of emotional distress.

The original complaint drafted and filed by her former attorney, Judd Burstein, lacked any non-conclusory allegations of purported wrongdoing by Mr. Shine. In response to questioning by the Court at the hearing on November 30, 2017, Mr. Burstein did not specify any acts of misconduct by Mr. Shine. The proposed amended complaint, like the original one, does not make any specific allegations of misconduct against Mr. Shine. Both complaints rely on conduct by Mr. Shine that consists of innocuous emails with co-defendant Pete Snyder which have nothing whatsoever to do with Plaintiff or her claims. Tantaros' repeated failure to allege any specific acts of misconduct by Mr. Shine – together with other defects – makes all her claims against him legally as well as factually deficient and thereby renders her proposed amendment futile.

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Accordingly, we agree with the letters of the other Defendants, which note that the proposed amended complaint should be dismissed if leave to amend is granted. We also join in Dechert's request that upon resolution of the motion to amend, the Court set a schedule for briefing a motion to dismiss the Complaint that becomes the operative one. If the original Complaint remains the operative one, this request is timely as to Mr. Shine because, last May, at the request of Dechert (which then represented him), the Court adjourned *sine die* the time for him to move to dismiss the original Complaint. (ECF Doc. 27.)

We further join in Dechert's request that Ms. Tantaros be required to file for status as a *pro se* plaintiff by a date certain.

We respectfully add a request that the date set by the Court for the next appearance – March 1, 2018 – be adjourned to April 26, 2018, which would allow sufficient time for a motion to dismiss to be fully briefed. I was not still in the courtroom at the close of the hearing on November 30, when the Court set the date of March 1. If possible, I would like to attend a conference out of town during that week. No previous request has been made to adjourn this conference. All counsel but one have advised they are available on April 26, if that date suits the Court.<sup>1</sup> If that date does not suit the Court, I will arrange my schedule to be present on March 1.

Respectfully submitted



Marion Bachrach

cc: All Counsel (by ECF)

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<sup>1</sup> All counsel have been consulted about a variety of dates. The only counsel who did not respond is Morgan Lewis. All other counsel are available on April 26.